

August 3, 2017

**SERVED AND FILED BY ECF**

Honorable Paul A. Crotty  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Re: Omega SA et al. v. 375 Canal, LLC et al. – 12-cv-6979 (PAC)

Dear Judge Crotty:

We represent Plaintiffs Omega SA and Swatch SA in this action. We write to inform the Court that Plaintiffs have decided to withdraw their claw back of the documents that are the subject of Mr. Schick's August 1 letter (namely, certain communications between our firm and an investigator). We continue to dispute defendant's characterization of the documents and of Plaintiffs' motivation in seeking their claw back. As I mentioned in court yesterday, the issues raised in Mr. Schick's August 1 letter are in the nature of a discovery dispute and we had expected that Defendant would meet and confer with us before bringing the matter to the Court's attention.

We also want to notify the Court that Plaintiffs will file a motion *in limine* tomorrow stemming from Defendant's failure to identify even one person who is likely to have discoverable information that Defendant may use to support its position at trial. The motion will seek an Order (1) precluding Defendant from calling any witness at trial to support its defenses; or, in the alternative, (2) directing that Defendant forthwith provide Plaintiffs with a list of trial witnesses and make its witnesses available to Plaintiffs for depositions prior to the commencement of trial.

We had intended to file this motion on August 9, along with our other motions *in limine*. Had we done so, we would have confined the requested relief to outright preclusion. We are advancing the filing of this particular motion, however, in light of the Court's decision yesterday to permit Defendant to depose the two investigators about whom our firm learned only recently.

Honorable Paul A. Crotty

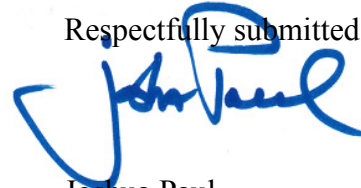
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When one considers the parties' relative equities and conduct during discovery, we believe that Plaintiffs' basis for obtaining last minute deposition discovery is certainly superior to Defendant's basis.

In light of these circumstances, our motion *in limine* will seek leave to take depositions of Defendant's undisclosed witnesses as an alternative to outright preclusion. We have decided to file the motion as soon as possible following yesterday's conference in the hope that the Court will be able rule on the motion before the September 5 pretrial conference – thereby giving us an opportunity to take the depositions before the beginning of trial on September 11.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Joshua Paul", is written over the typed name. The signature is stylized with a large, sweeping initial "J" and a cursive "Paul".

Joshua Paul

cc: All counsel of record (via ECF)